

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. 25-004**

**APPLICATION:** Application of Burlingham Farms Inc. for a property line adjustment to adjust the property lines on a 60.25-acre parcel and a 6.89-acre parcel to create a 56.97-acre parcel and a 10.17-acre parcel in a UT-20 Urban Transition) zone located at 1505 Boones Ferry Rd NE, Woodburn (T5S; R2W; Section 13, Tax lot 1200).

**DECISION:** The Planning Director for Marion County has **APPROVED** a **MODIFIED** Property Line Adjustment application to adjust the property lines on a 60.25-acre parcel, 0.99-acre parcel, and a 6.89-acre parcel to create a 45-acre parcel, a 13.1-acre parcel, and a 10.17-acre parcel in a UT-20 zone.

**EXPIRATION DATE:** Title transfer instruments accomplishing the property adjustments shall be recorded by the applicants with the Marion County Clerk by **March 28<sup>th</sup>, 2027**. 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 recording the deeds, the applicants shall obtain any septic review and/or evaluations that may be required from the Marion County Building Inspection Division.
2. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office per ORS 92.190 (4). Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted to the Marion County Surveyors Office for review. A survey checking fee will be 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. Applicants should contact the Marion County Tax Assessors' office to correct the tax lots to accurately reflect their current legal status as separate parcels of land.
4. Prior to the issuance of any building permit(s), property line adjustment deeds meeting requirements identified in ORS 92.190(4) shall be recorded with the County Clerk. The deeds shall include a perimeter description of all adjusted parcels.
5. The resulting parcels shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director.

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

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

**OTHER PERMITS, FEES, AND RESTRICTIONS:** This approval does not remove or affect covenants or restrictions imposed on the subject property by deed or another 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 #5 below be contacted to identify restrictions or necessary permits.

7. 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).
8. The applicants should contact the Woodburn 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.
9. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #5 below, that may be required.

**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 \$250) on the basis of new information subject to signing an extension of the 150-day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Road NE, Salem, by 5:00 p.m. on **March 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 **March 31<sup>st</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 Low Density Residential and Medium Density Residential with a Nodal Development Overlay (NDO) in the City of Woodburn Comprehensive Plan and correspondingly zoned UT-20 (Urban Transition) under the jurisdiction of Marion County. Nodal Development Overlay is used where the City of Woodburn has determined that there is a need for higher density housing close to neighborhood shopping and amenities with a pedestrian and cycling orientation. The primary intent of both this designation and zone is to retain and 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 subject properties are located in south Woodburn along South Boones Ferry Road at the boundary of Woodburn's urban growth boundary and are in the planning jurisdiction of Marion County. Approximately 16 acres are located west of S Boones Ferry Rd. and to the east of the Union Pacific railroad tracks. The remainder is to the west of the railroad tracks. The eastern portion is accessible from Boones Ferry Road and the western portion is accessible from Parr Rd NE. The applicants state that the entire 74.65 acres is actually comprised of four individual lots of 60.25-acres, 6.89-acres, and two additional lots of undetermined acreage.

Deed research provided by staff shows that:

- Parcel I has been described in its current configuration since at least 1966 (Deed Volume 619, Page 609), and is approximately 6.07 acres.
- Parcel II has been described in its current configuration since at least 1973 (Deed Volume 744, Page 42, 1973) and is approximately 60.25 acres.
- Parcel III has been described in its current configuration since at least 1966 (Deed Volume 619, Page 617) and is approximately 0.99 acres.
- Parcel IV has been described in its current configuration since at least 1966 (Deed Volume 619, Page 569, 1966) and is approximately 6.89.

These four parcels are legal for land use purposes.

3. The properties are on the southern edge of the City of Woodburn's Urban Growth Boundary. To the north the land is zoned as RMN, RSN, P, and SP. These are residential, public, and open spaces designations. To the northwest the property is zoned residential by the City of Woodburn; while the predominate zone to the east is low density residential. To the south of the subject parcels are properties in an EFU (exclusive farm use) zone in Marion County that are engaged in larger scale agriculture and some residential uses.
4. The applicants are proposing to adjust the property lines of two of their parcels (Parcel II and IV) to consolidate the Parcel II completely on the west side of the railroad line rather than straddling the railroad line. This will transfer approximately 3.28 acres to Parcel IV.
5. Various agencies were contacted with requests for comment:

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

Marion County Surveyor's Office commented:

- No survey required for properties greater than ten acres per ORS 92.060 (8).
- Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- Survey checking fee 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).
- The PLA may require separate records of survey or one survey with multiple pages. Project surveyor should contact County Surveyor Prior to preparing the final map.

The City of Woodburn commented:

- The City of Woodburn does not want Parcel II to become disassociated with Parcel III, thus creating a land locked parcel that is not accessible due to lack of road frontage.
- The City further would like to see a three-part partition instead of a property line adjacent of align the parcel boundaries with the City of Woodburn's comprehensive plan zoning including a portion of Parcel II that should be aligned with a Medium Density Residential overlay.
- The City also is concerned that the property is listed as one singular tax lot and requests that the applicant work with the tax accessor's office to change the tax lot information to reflect the four independent parcels.
- The City of Woodburn is also concerned that the application does not meet Marion County Code 16.132.310 (B)(2): the new configuration *shall not significantly reduce feasible options for future location of urban streets or utility services...*
- The City of Woodburn further indicated that they would prefer if the applicant would follow the suggestions and plan discussed with the City in the September 2024 pre-application (PRE25-15) consultation.

All other agencies either did not respond, or stated no objection to the proposal.

6. The criteria for reviewing property line adjustments within an Urban Transition zone are listed in MCC 16.13.310. These criteria are as follows:

*A. A series partition, subdivision, residential planned development or other residential development of a lot, as the lot existed upon application of the UT zone, that results in the division of land into four or more lots intended to be occupied by dwellings or mobile homes is not permitted in the UT zone.*

*B. 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:*

- 1. 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 nonremonstrance agreement for future road or drainage improvements within the right-of-way abutting the lot may be required.*

The applicants are not proposing to develop any dwellings or create new dwelling lots. None of the parcels involved in the property line adjustment will be under 10 acres. The criteria do not apply.

*2. 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 proposed property line adjustment will result in a potentially landlocked Parcel II as the application does not show how access will be maintained. The application also does not show potential future plans for internal roads or utility extensions or how connectivity would be maintained. The City of Woodburn recommended that the application be modified to adjust Parcels II, III, and IV; to adjust Parcel III and the portion of Parcel II in the Medium Density Residential zone to be one parcel. Then to adjust Parcel II to contain the remainder of Parcel II and establish a new eastern boarder at the Union Pacific Railroad tracks. Parcel IV would be adjusted to contain the current land and the portion of Parcel II east of the railroad tracks. Then Parcel I would remain as is.

This adjustment will result in four parcels of approximately 45-acres, 13.1, acres, 10.17 acres, and 6.07 acres. Precise acreages and parcel boundaries shall be recorded in the new perimeter description deeds for each resultant newly configured parcel. This will meet the criterion.

*3. 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 configurations of the parcels are not for the purpose of isolating a dwelling, or related to accommodation of a new residence. The resulting lots being reduced or enlarged will still have significant incentive to redevelop at urban densities upon annexation. The criterion is met.

*4. 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.*

All resultant parcels and lots will be larger than 5 acres. The criterion does not apply.

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

The proposed adjusted properties will each have dimensions that surpass the 80-foot threshold. The criterion is met.

*6. 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.*

None of the subject parcels are occupied by a known nonresidential use, and no new lots are being created. The criterion does not apply.

*7. 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.*

The subject parcels are designated for Low and Medium Density Residential in the City of Woodburn's comprehensive plan. The criterion does not apply.

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

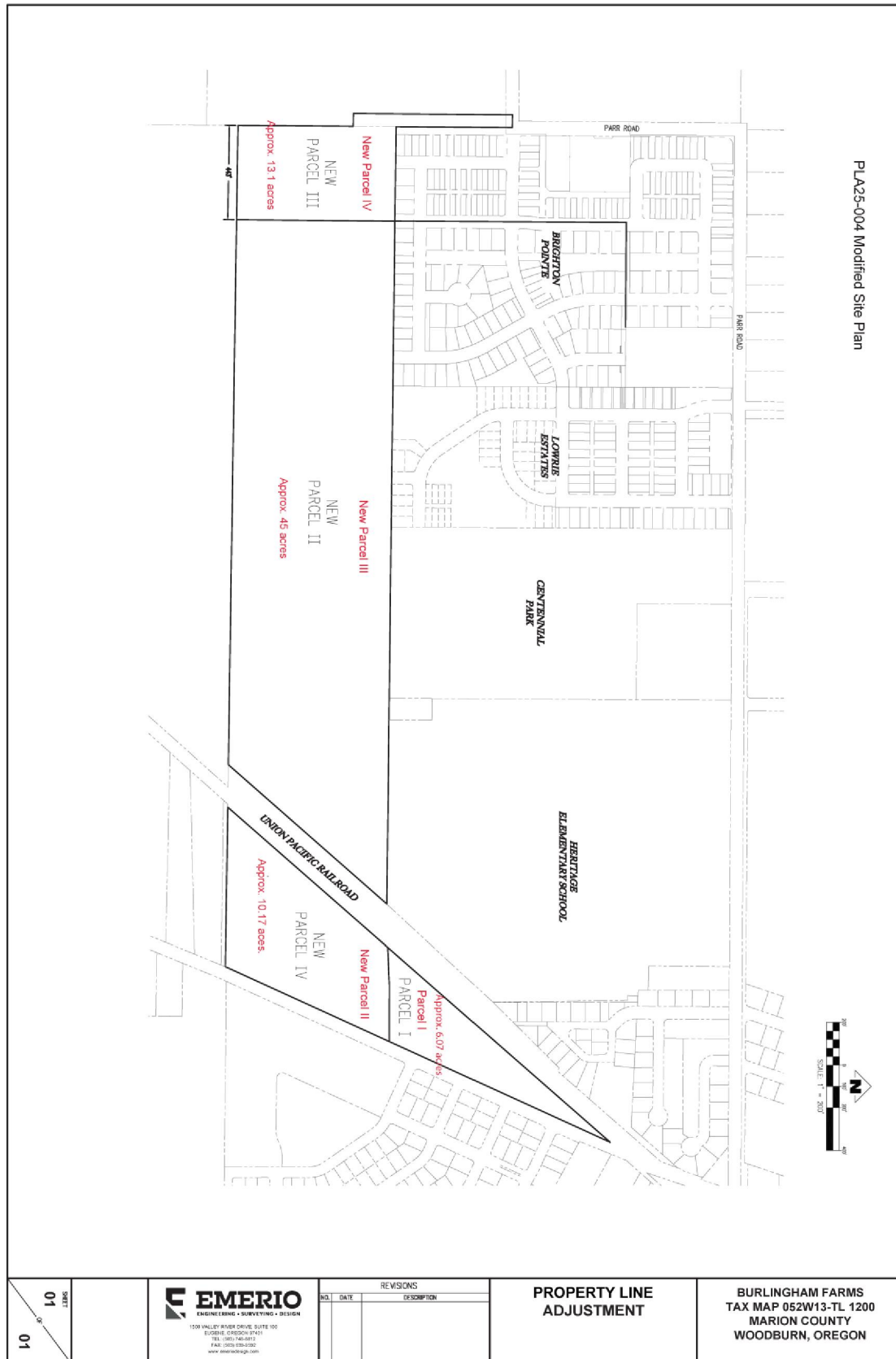
Brandon Reich  
Planning Director/Zoning Administrator

Date: March 13<sup>th</sup>, 2025

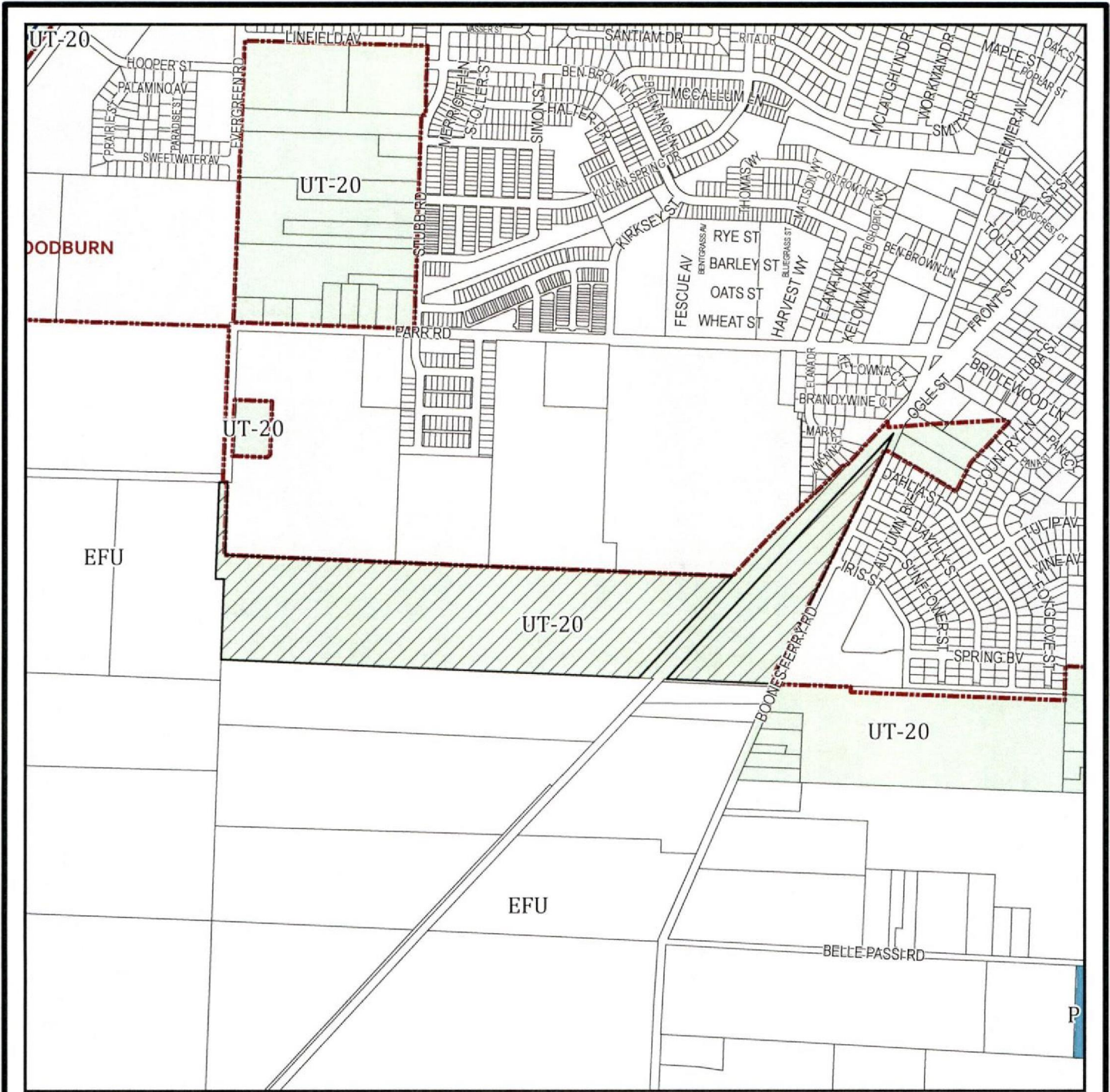
If you have any questions regarding this decision contact George Brandt at (503) 566-3981.

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.

This image is for reference as Staff Evaluates the proposal. We can add this to the site plan.



SHEET 01 OF 01	<b>EMERIO</b> ENGINEERING • SURVEYING • DESIGN 1200 VALLEY RIVER DRIVE, SUITE 100 EUGENE, OREGON 97401 TEL: (503) 746-8812 FAX: (503) 759-6392 www.emeriosg.com	REVISIONS		<b>PROPERTY LINE ADJUSTMENT</b>	BURLINGHAM FARMS TAX MAP 052W13-TL 1200 MARION COUNTY WOODBURN, OREGON
		NO.	DATE		



# ZONING MAP

**Input Taxlot(s):** 052W130001200

**Owner Name:** BURLINGHAM FARMS INC C/O ROERIG

**Situs Address:** 1505 BOONES FERRY RD NE

**City/State/Zip:** WOODBURN, OR, 97071

**Land Use Zone:** UT-20

**School District:** WOODBURN

**Fire District:** WOODBURN

## Legend

-  Input Taxlots
-  Highways
-  Lakes & Rivers
-  Cities



scale: 1 in = 1,003 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.