

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. 25-014**

**APPLICATION:** Application of Edward and Linda Arnold for a property line adjustment to adjust the property lines on a 0.51-acre parcel and a 0.39-acre parcel to create a 0.33-acre parcel and 0.58-acre parcel in an RS (Single-Family Residential) zone located at 420 and 462 Elma Ave SE (T7S; R2W; Section 31AB; Tax lots 5400 & 5500).

**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 **June 20<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. 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. Finally, property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4).
2. All resultant lots or parcels shall be at least 4,000 square feet in size.
3. All resultant lots or parcels shall meet the required minimum dimensions of 40 feet in width and 70 feet in depth.
4. The resultant southern property line for the property addressed 420 Elma Ave shall maintain a minimum 6-foot setback from the accessory shop and a minimum 5-foot setback from the dwelling.
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 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 #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 Marion County No. 1 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 **June 20<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 **June 23<sup>rd</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 Single Family Residential in the City of Salem Comprehensive Plan and correspondingly zoned RS (Single-Family Residential) under the jurisdiction of Marion County. The primary intent of both this designation and zone is to provide areas for development of low density single family dwellings.
2. The properties are located at 420 and 462 Elma Ave SE on the north side of the intersection of Causey Ln SE with Elma Ave. Both properties are developed with single-family dwellings and accessory structures. Additionally, 420 Elma contains a detention basin easement along the east property line, which was created as part of the engineering plan for subdivision SUB/P01-004. A review of the land use history of the parcels found that they both were the subject of multiple partitions. Prior to 1979, both subject parcels were part of a larger parcel that was the subject of Minor Partition case MNP79-228, which created 2 new parcels, including subject tax lot 5500 (462 Elma) in its current configuration and a 2.49-acre parcel. Then in 2001, the 2.49-acre parcel was the subject of case SUB/P01-004, which partitioned off what is currently tax lot 5400 from the larger parcel and then subdivided the remainder into the lots accessing off Grayce Ct SE to the east. Both of the subject parcels have been in their current configurations since they were legally created and are therefore legal for land use purposes.
3. All adjacent properties are zoned RS (Single-Family Residential) and consist of lots developed with single family dwellings. Beyond these parcels 200 feet to the south is a large P (Public) zoned property containing Four Corners Elementary School, which represents the most notable feature in the immediate surrounding area.
4. The applicants are proposing to adjust the property lines of a 0.51-acre parcel and a 0.39-acre parcel to create a 0.33-acre parcel and a 0.58-acre parcel, transferring the open yard space between the subject properties from one lot to the other.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

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

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).

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

6. The criteria for reviewing property line adjustments within the RS zone are listed in MCC 16.02.120. These criteria are as follows:

*16.02.120 Lot area and dimensions.*

*Within an RS zone:*

- A. *Lot Area. The minimum lot area for a single-family dwelling in a subdivision approved after the effective date of the ordinance codified in this title, is 4,000 square feet when located within the Salem/Keizer area urban growth boundary. In all other cases lots shall be a minimum of 6,000 square feet. (See Chapter 16.27 MCC for density limitations.)*

The subject parcels are located within the UGB of Salem and are therefore required to meet the 4,000-square foot minimum parcel size. According to the site plan submitted by the applicants, the proposed configuration would result in one parcel 14,204 square feet in size and a second parcel 25,168 square feet in size. Both parcels meet the required minimum lot size for the RS zone. The criterion is met.

- B. *Lot Dimensions. Except as provided in MCC 16.26.800 for planned developments, the width of a lot shall be at least 60 feet; provided, that within the Salem/Keizer urban growth boundary the width of a lot shall be at least 40 feet, and the depth of a lot shall be at least 70 feet.*

Based on the applicants' site plan, the proposed configuration will result in the lots that are at least 40 feet wide (the requirement for parcels within the Salem UGB) and at least 70 feet deep. However, minor variations to the proposed configuration are allowed so it shall be made a condition of approval that all resultant parcels shall meet these dimension requirements. The criterion is met.

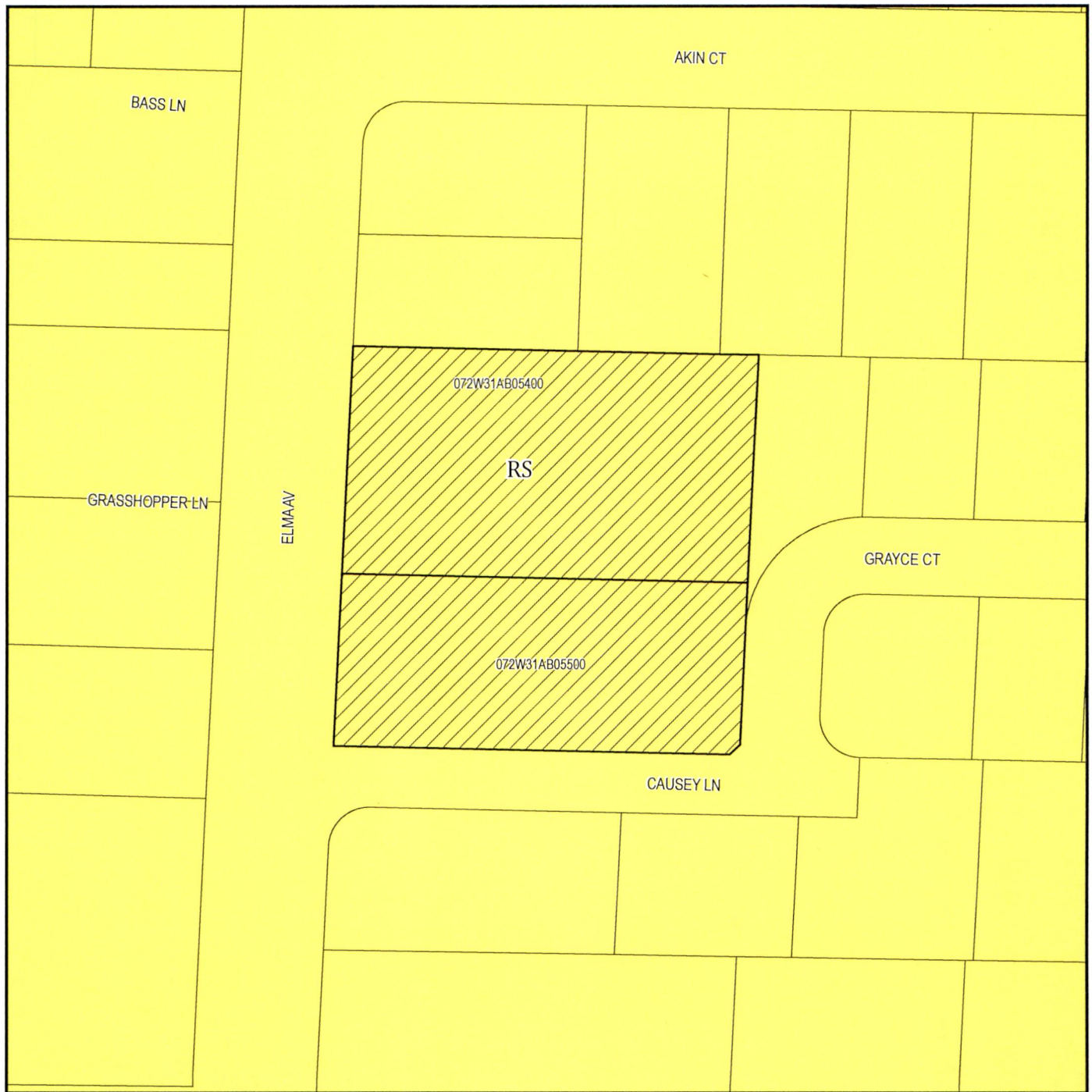
7. Based on the above findings, the proposal meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: June 5<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):** 072W31AB05400, 072W31AB05500

**Owner Name:** ARNOLD, EDWARD J & ARNOLD, LINDA  
L

**Situs Address:** 462 ELMA AVE SE

**City/State/Zip:** SALEM, OR, 97317

**Land Use Zone:** RS

**School District:** SALEM-KEIZER

**Fire District:** MARION COUNTY NO.1

### Legend



Input Taxlots



Lakes & Rivers



Highways



Cities



scale: 1 in = 71 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.