



**Marion County**  
OREGON

## PARTITION APPLICATION

**Do not double-side or spiral bind any documents being submitted**

**Fee: Please check the appropriate box:**

- ☒ Partition - \$940  
☐ Partition in an SGO Zone - \$1250

**RECEIVED**

OCT 31 2022

**Marion County  
Planning**

PROPERTY OWNER(S): Walter Shinen	ADDRESS, CITY, STATE, AND ZIP: 1325 S. Water Street Silverton, OR 97381
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Keith Whisenhunt	ADDRESS, CITY, STATE, ZIP 7938 Crosby LN NE Woodburn OR 97101
DAYTIME PHONE (if staff has questions about this application): 503-364-4004	E-MAIL (if any): keithw@pdgnw.com
ADDRESS OF SUBJECT PROPERTY: 1325 S. Water Street Silverton, OR 97381	SIZE OF SUBJECT PROPERTY: .66 acres
The property owners of the subject property request to divide a .66 acre parcel into two or three parcels containing N/A, 9340, and 10,460 acres or square feet each. Provide detailed information on the attached "Applicant Statement" page.	
Will a railroad highway crossing provide the only access to the subject property? ( ) Yes (X) No If yes, which railroad:	

FOR OFFICE USE ONLY			
Township <u>7S</u>	Range <u>1W</u>	Section <u>1C</u>	Application elements submitted:
Tax lot number(s) <u>2500</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>UT-5</u>			<input checked="" type="checkbox"/> Site plan
Zone map number: <u>34</u>			<input checked="" type="checkbox"/> Applicant statement
<input checked="" type="checkbox"/> TPA/header <u>Shinen</u>			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number: <u>P22-012</u>			<input checked="" type="checkbox"/> Filing fee
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural			<input type="checkbox"/> SGO Peer Review (if applicable)
			<input type="checkbox"/> Road name information
Date determined complete:			Application accepted by: <u>DJ</u>
			Date: <u>10/31/2022</u>

IF THE PARTITION INCLUDES THE CREATION OF A PRIVATE ROADWAY PLEASE LIST BELOW FOUR (4) PROPOSED ROAD NAMES, IN THE ORDER OF PREFERENCE (see the attached information sheet):

(1)

(2)

(3)

(4)

ATTACH A MAP SHOWING ALL PARCELS THAT WILL HAVE ACCESS OFF THIS EASEMENT, AND INCLUDE THE ADDRESS AND LOCATION OF ALL DWELLINGS ON THE PARCEL, ALONG WITH THE DRIVEWAY LOCATION.

**THE APPLICANT(S) SHALL CERTIFY THAT:**

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

**PRINTED NAME AND SIGNATURE** of each owner of the subject property.

Walter Shiner

Print Name

[Signature]

Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_



# Land Division Application Narrative

*For a*

## **Preliminary 2-Lot Partition**

1325 S. Water Street

Silverton, OR 97381

Prepared for  
Walter Shinen

Submitted October, 2022



## ***PROJECT INFORMATION***

- **Purpose of Application:**

The Applicant, Walter Shinen, is requesting approval of a Tentative Partition Plat on property described below.

- **Subject of Application**

Property located at 1325 S. Water Street, Silverton, OR | Tax Map # 071W01C002500

- **Zoning:**

Current Zoning – Marion County (UT-5) Urban Transition Zone

- **Property Owner:** Walter Shinen, 1325 S. Water Street, Silverton, OR. 97381

- **Applicant:** Walter Shinen, 1325 S. Water Street, Silverton, OR. 97381  
[waltershinen@gmail.com](mailto:waltershinen@gmail.com) Phone: (503) 200-8140

- **Applicant's Authorized Representatives:**

Project Delivery Group, LLC – 7938 Crosby LN NE ▪ Woodburn OR, 97071

- Contact: Keith Whisenhunt, PE, PLS ▪ (503) 364-4004 ▪ [keithw@pdgnw.com](mailto:keithw@pdgnw.com)



## Contents

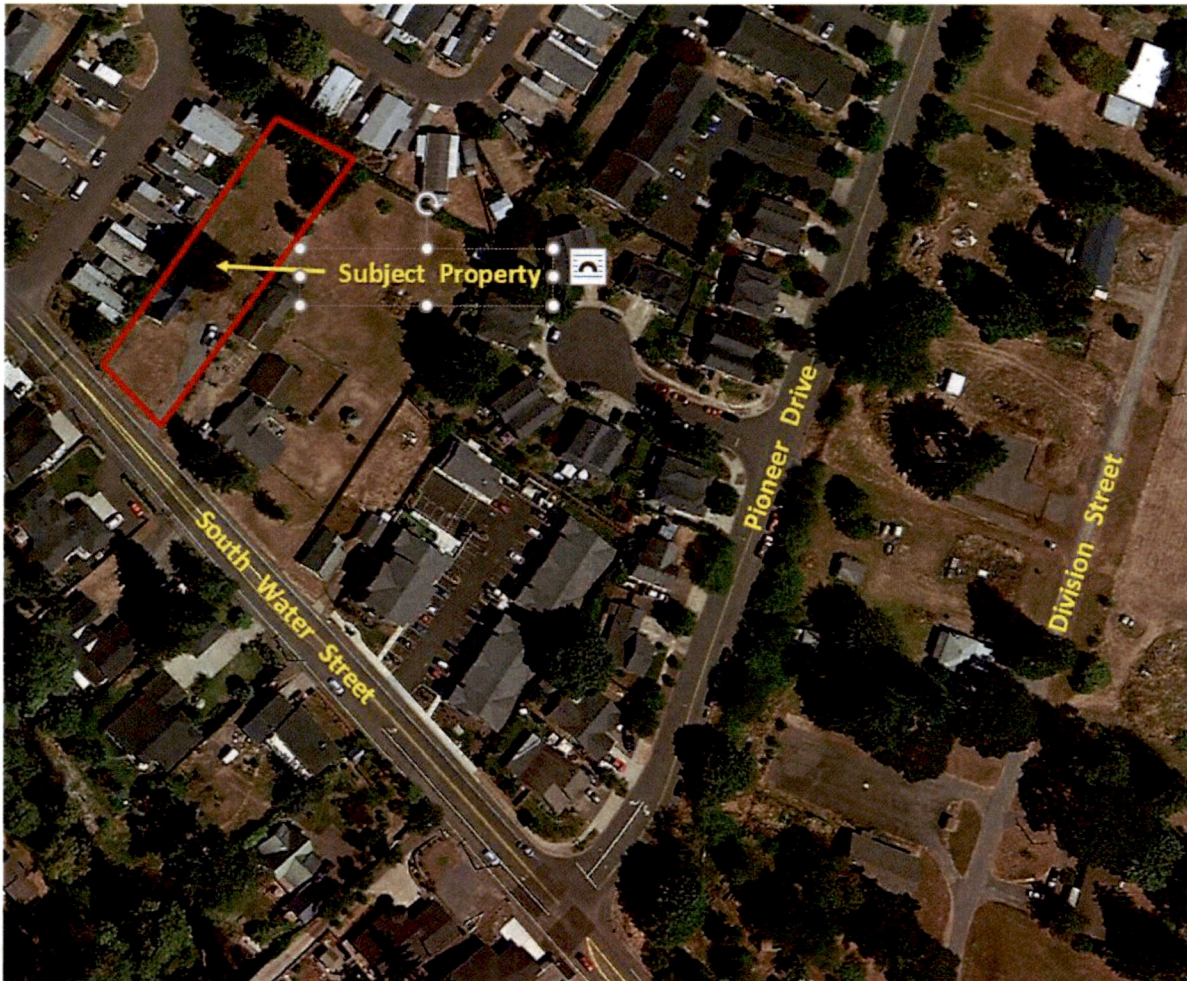
SITE INFORMATION .....	4
APPLICANT'S PROPOSAL .....	9
Written Statement Addressing MCC Compliance.....	9
CHAPTER 16.01 GENERAL ZONING PROVISIONS (Applicable Sections).....	9
16.01.010 Zoning classification .....	9
16.01.020 Designation of zones.....	9
CHAPTER 16.13 URBAN TRANSITION – UT ZONE.....	9
16.13.000 Purpose .....	9
16.13.010 Uses.....	10
16.13.100 Development Standards .....	10
16.13.110 Height.....	10
16.13.120 Front yards and yards abutting streets.....	10
16.13.130 Interior side yards .....	10
16.13.140 Interior rear yards .....	11
16.13.200 Landscaping.....	11
16.13.310 DIVISION OF LAND .....	11
16.13.320 DEVELOPMENT LIMITATIONS AND REQUIREMENTS .....	13
16.30.050 OFF-STREET VEHICLE PARKING REQUIREMENTS .....	16
16.30.020 Location.....	16

## **APPENDIX**

- Appendix A: Preliminary Site Plan
- Appendix B: Preliminary Title Report
- Appendix C: Geotechnical Report
- Appendix D: Septic Information / Evaluation
- Appendix E: Land Use Compatibility Statement
- Appendix F: Existing Conditions

## SITE INFORMATION

This application is for Tentative Plan approval for a 2-lot partition. The proposed development fronts on south Water Street located in Silverton, Marion County Oregon.



*Figure1: Aerial Vicinity Map*

The property is currently zoned Urban Transition (UT-5) in Marion County and the following narrative will demonstrate how this proposal conforms to the provisions of the Marion County development code.

The applicant contacted the City of Silverton Community Development Director to pursue annexation to the City. In the meeting, City staff indicated the current City Council was not approving annexation applications at this time. As a result, the applicant is pursuing this partition application through the County.



Surrounding property zoning consists of the following (Reference Figure 2):

- North & West (adjoining subject property) – City of Silverton, R-5
  - 5-10 Dwelling Units/Acre
  - Minimum Area/Dwelling Unit = 5,000-sf
  - Minimum Lot Width = 50-ft
  - Minimum Lot Depth = 60-ft
- South (across South Water Street) – City of Silverton, R-1 & R-5
  - (R-1) 2-6 Dwelling Units/Acre
  - (R-1) Minimum Area/Dwelling Unit = 7,000-sf (8,000-sf for corner lots)
  - (R-1) Minimum Lot Width = 50-ft
  - (R-1) Minimum Lot Depth = 60-ft
  
  - (R-5) 5-10 Dwelling Units/Acre
  - (R-5) Minimum Area/Dwelling Unit = 5,000-sf
  - (R-5) Minimum Lot Width = 50-ft
  - (R-5) Minimum Lot Depth = 60-ft
- East (adjoining subject property) – Marion County, UT-5
  - Minimum Lot Size – “... as small as possible” (MCC 16.13.310.B.3)
  - Minimum Lot Dimension – 80-ft (MCC 16.13.310.B.5)
- East (adjacent to subject property) – City of Silverton, RM-10 & RM-20
  - (RM-10) 10-20 Dwelling Units/Acre
  - (RM-10) Minimum Area/Dwelling Unit = 4,000-sf
  - (RM-10) Minimum Lot Width = 40-ft
  - (RM-10) Minimum Lot Depth = 60-ft
  
  - (RM-20) 10-20 Dwelling Units/Acre
  - (RM-20) Minimum Area/Dwelling Unit = 4,000-sf
  - (RM-20) Minimum Lot Width = 40-ft
  - (RM-20) Minimum Lot Depth = 60-ft





Figure 2: Zoning Map – (UT-5) Urban Transition

**Assessor's Information:** The property is located within the City of Silverton's Urban Growth Boundary and is identified as Marion County Assessor's Tax Map # 071W01C 02500 (Reference Figure 3).

**Access to Proposed Partition:** Access to the proposed partition is off South Water Street which is a state highway with no sidewalk, shoulder or curb and gutter.

**Existing Conditions:** The site is rectangular and includes approximately 0.66 acres. The topography of the site is generally flat. There are no mapped wetlands or other distinguishing features on the property (see Figure 4). There is one existing house on the property which will remain. The house is served by City of Silverton Water and on-site septic disposal. There is one 30-inch white oak on the property which will remain. As a result of the location of the existing home and a tree that the client wants to save, the property can only be divided into two parcels.









Figure 5: Street View



Figure 6: Preliminary Partition Plat (See Appendix A)



## **APPLICANT'S PROPOSAL**

As previously stated, the Applicant is proposing to develop a 2-lot partition on 0.66 acres. Parcel 1 is approximately 14,000-square feet and Parcel 2 is approximately 10,000-square feet. The proposed access and utility easement for Parcel 2 is 30-foot-wide with a 16-foot-wide gravel access drive and reciprocal access easement that will serve both parcels (See Preliminary Site Plan and Plat in Appendix A).

## **WRITTEN STATEMENT ADDRESSING MCC COMPLIANCE**

### **CHAPTER 16.01**

#### **GENERAL ZONING PROVISIONS (Applicable Sections)**

##### **16.01.010 Zoning classification**

In order to achieve the intent and purpose in MCC 16.35.030, zoning classifications and overlay zones are hereby established for all unincorporated areas of Marion County located within urban growth boundaries as provided in Chapters 16.02 to 16.25 MCC. These classifications and overlay zones identify uses permitted subject to the development requirements in Chapter 16.24 MCC and Chapters 16.26 through 16.34 MCC.

##### **16.01.020 Designation of zones**

As prescribed in 16.01.010 MCC, Marion County is divided into use zones. The zones included in this title are as follows:

<b>Chapter</b>	<b>Classification</b>	<b>Abbreviation</b>
16.02	Urban Transition	UT-5

### **CHAPTER 16.13**

#### **URBAN TRANSITION – UT-5 ZONE**

##### **16.13.000 Purpose**

The UT-5 (Urban Transition) zone is intended 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.

In areas designated for urban residential development, the residential density included in the zone is intended to be consistent with the average lot size of the immediate area.

***Applicant's Response:*** *The proposed partition meets the intent of this section. While utilities are available in South Water Street. Due to excess inventory described in the*

city's Housing Needs Analysis, they will not allow the property to annex at this time. As such, water and sewer will need to be provided through a well and septic system to the new Parcel 2. Also, the size of the proposed Parcels will be consistent with the average lot size of the immediate area. This requirement is met.

#### 16.13.010 Uses

The following uses, when developed under the applicable development standards in this title, are permitted in the UT-5 zone:

G. A single-family dwelling or mobile home\* subject to 16.13.300 MCC .

**Applicant's Response:** *The proposed partition complies with this requirement as the proposed Parcel 1 is an existing single-family home and the proposed Parcel 2 will be developed as a single-family home. This requirement is met.*

#### 16.13.100 Development Standards

The standards and regulations in this chapter and the additional standards and regulations referenced in Chapter 16.24 MCC and Chapters 16.26 through 16.34 MCC apply to all lots, structures and uses unless indicated otherwise. If city standards are adopted by the board, the city standards shall apply. No structure or use shall be approved until all requirements in this chapter have been satisfied.

**Applicant's Response:** *The proposed site plan included in the application and the following narrative shows how the Development Standards will be met. This requirement will be met.*

#### 16.13.110 Height

Within a UT-5 zone the maximum height limit is 35 feet for dwellings. Other buildings and structures shall not exceed 45 feet in height.

**Applicant's Response:** *The home constructed on Parcel 2 will meet the requirements of this section. The structure will not exceed 35 feet in height. This requirement will be met.*

#### 16.13.120 Front yards and yards abutting streets

Within a UT-5 zone the following front yards and yards abutting streets shall be provided:

A. Along the full extent of each front lot line and lot line abutting a street, there shall be a required yard 20 feet in depth.

**Applicant's Response:** *The required front yard setback for the proposed Parcel 2 will be met as shown on the preliminary site plan. This requirement is met.*

#### 16.13.130 Interior side yards

Within a UT-5 zone the following side yards shall be provided:

A. Side yards shall be at least five feet or comply with the side yard requirement for the most restrictive zone used in the applicable Comprehensive Plan designation, whichever is greater.

**Applicant's Response:** *The proposed side yards are a minimum of 10-feet for the proposed Parcel 2 as shown on the preliminary site plan. This requirement is met.*

#### 16.13.140 Interior rear yards

Within a UT-5 zone the following rear yards shall be provided:

A. Fourteen feet for any single-family dwelling and for any portion of any other building not more than 15 feet in height; and 30 feet for any portion of a building greater than 15 feet in height other than a single-family dwelling.

**Applicant's Response:** *The rear yard is 45 feet for the proposed Parcel 2 as shown on the preliminary site plan. This requirement is met.*

#### 16.13.200 Landscaping

Within a UT-5 zone:

A. All portions of required yards lying between a street and the primary building or between the street and any sight-obscuring fence, wall or hedge located within the required yard shall be landscaped.

B. All required landscape areas shall be landscaped as provided in Chapter 16.29 MCC.

**Applicant's Response:** *The front yard of the proposed Parcel 2 home will be landscaped as is typical with most new development. This requirement is met.*

#### 16.13.310 DIVISION OF LAND

A. A series partition, subdivision, residential planned development or other residential development of a lot, as the lot existed upon application of the UT-5 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-5 zone.

**Applicant's Response:** *This application is for a single partition to create 2 parcels. This requirement is met.*

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.

**Applicant's Response:** *While dedication of additional street right-of-way is not anticipated, if it is required, the proposed partition can still meet the applicable requirements. Furthermore, if a nonremonstrance agreement is required, the Applicant will execute it. This requirement is met.*

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.

**Applicant's Response:** *As a result of the size of the existing lot, preserving the existing home, and protecting a large oak tree, the existing parcel can only be split into two parcels that are consistent with the character of the adjacent development. This requirement is met.*

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.

**Applicant's Response:** *As a result of preserving the existing home and protecting a large oak tree, the existing parcel can be split into two parcels that are consistent with the character of the adjacent development. This requirement 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.

**Applicant's Response:** *The existing parcel is 0.66-acres. This requirement is not applicable.*

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

**Applicant's Response:** *The preliminary partition plat shows no lot dimension less than 80-feet. This requirement 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.

**Applicant's Response:** *The site is occupied by a residential use and is located in a residential plan designation. This requirement is not applicable.*

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.

**Applicant's Response:** *The site is in a residential plan designation. This requirement is not applicable.*

#### 16.13.320 DEVELOPMENT LIMITATIONS AND REQUIREMENTS

A. Mobile Home Development. No new mobile homes are permitted unless the property is designated for residential development in the Comprehensive Plan and the most restrictive county zone used in the plan designation would permit a mobile home on a lot as an outright permitted use or a conditional use. Approval of a mobile home shall be subject to the standards in MCC [16.26.030](#).

**Applicant's Response:** *The applicant proposes to construct a home compliant with the Oregon Residential Specialty Code. This requirement is met.*

B. Dwelling Development. No new dwellings are permitted unless the area is designated for residential development and the most restrictive county zone used in the plan designation would permit the dwelling as an outright permitted use or a conditional use.

**Applicant's Response:** *The proposed parcels meet the requirements of the Marion County RS zone and the City of Silverton residential zoning districts. In addition, before being zoned UT-5, the site was zoned RA and the proposed parcels meet the requirements of that zone as well. This requirement is met.*

C. Residential Density. On lots designated for residential development, no more than one dwelling unit or mobile home shall be allowed per five acres unless a numerical suffix is added to the zone altering the allowable density to no more than one dwelling unit or mobile home per one, three, 10 or 20 acres. The number of dwellings allowed shall be based on the size of the lot at the time the UT-5 zone first applied to the property.

**Applicant's Response:** *On its face, the first sentence of this section includes a requirement in conflict with 16.13.310.B.3. However, since the UT-5 zoning designation was applied to this parcel of less than one acre when the zoning changed from RA to UT-5, the second sentence in this section indicates that the RA zone minimum lot size and number of dwellings would be allowed for this parcel as indicated in section 16.13.320.F. The two parcels created by this proposed partition will each meet the criteria for the RA zone today and at the point when the UT-5 zone was first applied. Additionally, requirements in 16.13.310.B.3 specifically state that new lots "should be as small as possible and should not be larger than one acre" with the stated goal of creating a "significant incentive for the owner to develop to planned urban uses when the lot is annexed."*

*The proposed partition will create a new home site such that both proposed post-partition parcels will be "as small as possible" as directed in 16.13.310.B.3 while also meeting the applicable requirements found in 16.13.320.B, 16.13.320.C and 16.13.320.F. This application of the code sections clearly addresses and bridges the conflicting requirements of 16.13.310.B.3 and 16.13.320.B. Since an applicant cannot meet the requirement in 16.13.310.B.3 and the requirement noted in 16.13.320.C. In order to prevent urban sprawl, be consistent with the surrounding developed property, and comply with the intent of the UT-5 zone, the Applicant is proposing two parcels totaling less than one acre. This requirement is met.*

D. Siting of Dwellings. If a new dwelling is allowed on a lot of more than one acre and less than five acres, and the lot is designated for residential development, the dwelling shall be located in conformance with a redevelopment plan. The redevelopment plan shall demonstrate 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.

**Applicant's Response:** *The site is less than one acre. This requirement is not applicable.*

E. On-Site Sewage Disposal. The following conditions shall be met prior to the approval of a use or residence relying on an on-site system for wastewater disposal:

1. The property shall not lie within the boundary of a sewer service district unless allowed in writing by the city.

**Applicant's Response:** *The site does not lie within a sewer service district. This condition is not applicable.*



2. The property must lie more than 300 feet in a straight line from any existing sewer line that can be extended to the property to provide gravity sewer service, unless the city agrees in writing to allow on-site sewage disposal.

**Applicant's Response:** *The City is not allowing connection to the existing sewer system. This condition is met.*

3. The property shall not be served by a city or district water system.

**Applicant's Response:** *The City is not allowing connection to the existing sewer system. This condition is met.*

4. Applicant shall have obtained from the county sanitarian a favorable site evaluation to install an on-site sewage disposal system or DEQ approval for another type of sewage disposal.

**Applicant's Response:** *The Applicant engaged Lone Pine Septic and Redmond Geotechnical to perform percolation testing and evaluate the site. This information is in Appendix C and D. It is anticipated the County Sanitarian will approve on-site disposal for the proposed Parcel 2. This condition is met.*

5. If the city requires, the applicant shall sign an agreement with the city agreeing to connect the subject development to the public sewer system when the system comes to within 300 feet of the property and can provide gravity service.

**Applicant's Response:** *The applicant will sign the agreement described herein. This condition is met.*

6. If the city requires, the property owner shall provide a signed nonremonstrance agreement with the city for future annexation and sewer or water service by the city.

**Applicant's Response:** *The required improvements are in South Water Street and no extension is required. This condition is not applicable.*

F. Residences on Pre-Existing Lots. Notwithstanding subsection (C) of this section, a single-family dwelling or mobile home is permitted on a lot legally created prior to the date the city comprehensive plan was originally acknowledged by LCDC, or in the case of the Salem/Keizer urban growth area before August 1, 1981, provided the lot and development complies with all other requirements of this section.

**Applicant's Response:** *The Applicant is applying for approval of a preliminary partition plat on an existing with a partition to create the two parcels. This requirement is not applicable.*

16.30.050 OFF-STREET VEHICLE PARKING REQUIREMENTS

16.30.020 Location.

A. Off-street parking and loading areas required by this title shall be provided on the same lot

....

**Applicant's Response:** *Off-street parking is provided for both parcels. Each parcel will provide a minimum of two parking spaces to satisfy this requirement. A reciprocal access easement has been created to provide legal access to each parcel for parking and access purposes. This requirement is met.*