

Attention Property Owner: A land use proposal has been submitted for property near where you live or 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 PARTITION CASE NO. 21-011

APPLICATION: Application of Jose Antonio Diaz Salcedo to partition two parcels containing 15,800 square feet into three parcels containing 5,300 square feet, 5,300 square feet and 5,200 square feet each in the RS (Single Family Residential) zone located in the 400 block of Snoopy Ln. NE, Salem. (T7S, R2W, Section 30AC, Tax lots 12805 and 12806).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Partition application subject to certain conditions.

EXPIRATION DATE: This approval is valid only when the final partitioning plat is recorded by **August 5, 2023**. 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 proposed division is for land use purposes only. Due to septic, well, and drain field replacement areas, these parcels may not be able to support a dwelling. 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. The applicant shall submit a final partition plat to the County Surveyor's Office (5155 Silverton Road NE; (503) 588-5038) and shall contain the notation that the survey is the result of Partition Case 20-021. Following plat approval, it shall be recorded with the Marion County Clerk (plat instructions enclosed).
2. The applicant is advised that a Partition Plat Service Report from a title company will be required upon submission of the final Mylar to the County Surveyor.

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

3. If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.
4. After the final partition plat has been recorded, no alteration of property lines shall be permitted without first obtaining approval from by 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 be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

5. Prior to recording the plat, all taxes due must be paid to the Marion County Tax Department. Contact the Marion County Tax Department at 503-588-5215 for verification of payments.
6. The applicants should contact Salem Public Works to permit sewer connection after completing their annexation agreement.
7. The applicants should contact Marion County Fire District #1 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. Contact Paula Smith at MCFD#1 at (503) 588-6513 for more information.
8. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements (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 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 120 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, together with the appeal fee, in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem by 5:00 p.m. on **August 5, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **August 6, 2021** unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The properties are designated Single Family Residential in the Salem Area Comprehensive Plan and zoned RS (Single Family Residential) by Marion County. The purpose of this designation and the corresponding RS (Single Family Residential) zone is to provide areas for residential development on individual lots at urban densities.
2. The properties have frontage on Snoopy Lane NE, and are located at the terminus of Linus Ct. NE where it intersects with Snoopy Lane NE. The property contains several accessory structures. The properties are described as Lots 5 and 6 of Silbys Subdivision and were approved pursuant to SUB87-003. The properties are considered legal for the purposes of land use.
3. Properties in all directions are zoned RS (Single Family Residential), with several pockets of UD (Urban Development) to the east, south, and west. All adjacent properties are zoned RS.
4. The applicant proposes to divide two parcels containing 15,800 square feet together into three parcels containing 5,300 square feet, 5,300 square feet, and 5,200 square feet each.
5. Marion County Land Development and Engineering provided the following conditions, requirements, and advisory comments:

ENGINEERING REQUIREMENTS

A. The following numbered sub-requirements pertain to access:

- 1) Access Permits will be required for future dwellings.
- 2) Driveway approaches to the north and center lots will need to be situated so as to not conflict with existing pedestrian ramps.
- 3) Arborvitae hedge will need to be completely removed from the property frontage due to obstructing Vision Clearance Areas and Intersection Sight Distance Triangles.

B. Any utility work in the public right-of-way also requires permits from PW Engineering.

- C. Transportation Systems Development & Parks Charges (SDCs) will be assessed for each new dwelling in accordance with County ordinances.
- D. Fencing shall be removed from the public right-of-way (R/W). The R/W half-width is 30 feet measured from the approximate centerline of roadway.

City of Salem Planning Division commented that the property would be zoned RS upon annexation and that the property should be designed to conform to the City's standards for lot size and dimension to avoid becoming non-conforming upon annexation. Comments were also submitted that the applicant should contact the City of Salem Public Works Department to permit their sewer connection after completing an annexation agreement.

Marion County Assessor's Office provided comments related to taxes on the subject property.

Salem-Keizer School District provided comments related to potential impacts on school capacity for Auburn Elementary School, Houck Middle School, and North Salem High School.

Marion County Surveyor's Office commented:

- 1. Parcels ten acres and less must be surveyed
- 2. Per ORS 92.050, plat must be submitted for review.
- 3. Check fee and recording fees required.
- 4. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.
- 5. Must comply with all provisions per ORS 92.185(6)
- 6. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185(4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

- 6. In order to partition land in an RS (Single Family Residential) zone, the standards and criteria in Chapter 16.02.120 of the Marion County Code (MCC) apply:
 - 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.)*
 - 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.*

The applicant proposes to divide a 0.25 acre parcel into three lots. The first lot will contain 5,200 square feet, the second lot will contain 5,300 square feet, and the third lot will contain 5,300 square feet. All lots exceed the 4,000 square foot minimum required in the RS zone. Additionally, all lots exceed the minimum lot width of 40 feet and lot depth of 70 feet required within the Salem/Keizer urban growth boundary. Therefore, the proposal meets the criteria 6(A) and 6(B) for dividing land in the RS zone.

7. MCC 16.33.680 ACCESS STANDARDS. *All lots must have a minimum 20 feet of frontage on a public right-of-way or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards and a driveway permit has been obtained shall be provided prior to the issuance of building permits on the parcels served by the access easement. The easement shall meet the following standards:*
- A. *Have a minimum easement width of 25 feet;*
 - B. *Have a maximum grade of 12 percent;*
 - C. *Be improved with a paved surface with a minimum width of 20 feet;*
 - D. *Provide adequate sight-distance at intersections with public roadways;*
 - E. *Be provided with a road name sign at the public roadway as identification for emergency vehicles in accordance with Chapter 11.55 MCC, Naming and Addressing Roads/Property.*

All proposed lots will meet the minimum 20-foot frontage requirement and therefore meet the required access standards under MCC 16.33.680.

8. Based on the above findings, the proposed partitioning complies with the criteria for a partitioning in the RS zone and is, therefore **APPROVED**, subject to conditions.

Joe Fennimore
Director-Planning Division

Date: July 21, 2021

If you have any questions please contact Alyssa Schrems at (503) 566-4165.

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.