

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
PARTITION CASE NO. 23-022**

APPLICATION: Application of Double K Properties LLC to partition a 5.84-acre parcel into two parcels consisting of 2.37 and 3.47-acres each in an AR (Acreage Residential) zone located in the 4500 block of Viewcrest Road S, Salem (T8S; R3W; Section 8BC; Tax Lot 800).

DECISION: **PLEASE READ ALL CONDITIONS.** 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 partition plat is recorded by **October 10, 2025** (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 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:

Prior to recording the final plat:

1. The applicant shall submit a final partition plat to the County Surveyor's Office (5155 Silverton Road NE; (503) 588-5036). Following plat approval it shall be recorded with the Marion County Clerk (plat instructions enclosed). A title report must be submitted at the time of review.
2. Prior to submitting the final partition plat, the applicant shall obtain an approved septic site evaluation from the Marion County Building Inspection Division on all undeveloped parcels. **The applicant is strongly encouraged to contact Building Inspection, (503) 588-5147, regarding septic sites before having the property surveyed. Septic site requirements may affect the proposed property line or lot locations.**
3. The Marion County Planning Division, in coordination with the 9-1-1 Emergency System has named the proposed private access easement **Forest Haven Way S**. The name must be shown on the final partition plat and a work order for the street sign installation, with appropriate fee, must be submitted to Marion County Department of Public Works **prior to the plat being recorded.**
4. Prior to submitting the final partition plat, the applicant shall provide a static water level measurement for the existing well on the enclosed form.

Prior to issuance of building permits on the resulting parcels,

5. The partition plat shall be recorded.
6. The applicant shall submit evidence that the access easement has been improved to the standards in MCC 17.172. The access easement is also to provide for utilities.

7. The applicant shall provide a static water level measurement for any new or existing wells intended as the water supply for the lot on the enclosed form.
8. The applicant shall sign and submit a Sensitive Groundwater Overlay Zone Declaratory Statement (enclosed) to the Planning Division for each resulting parcel. This statement shall be recorded by the applicant with the Marion County Clerk's Office after it has been reviewed and signed by the Planning Director.
9. 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. All parcels shall be a minimum two acres in size.
10. After the final Partition plat has been recorded 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. The applicant is advised of the following:

11. 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).
12. The applicants should contact the Salem Suburban 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.
13. 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 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, together with the appeal fee, in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on

October 10, 2023. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 11, 2023,** unless further consideration is requested.

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

1. The property is designated Rural Residential in the Marion County Comprehensive Plan. The purpose of this designation and the corresponding AR (Acreage Residential) zone is to allow creation of acreage homesites at a density that maintains the character and environmental quality of rural residential areas.
2. The subject parcel is located southeast of the intersection of Viewcrest Rd S and Inland Rd S, as well as southeast of the intersection of Inland Dr S and Croisan Ridge Way S. The parcel is currently vacant land. It was created in its current configuration by Property Line Adjustment case PLA23-004 and is therefore considered legal for land use purposes.

3. Surrounding uses are residential in all directions except west, where across Viewcrest Dr S are properties zoned Special Agriculture and are currently in farm production. Properties to the north, south and west but not across the road, are zoned AR and consist of small acreage homesites. The Salem urban growth boundary lies directly east. Properties inside the UGB are zoned Urban Transition and are developed with single family homes.
4. The applicant proposes to divide the subject property into two parcels.
5. Marion County Surveyor commented:
 1. Parcels must be surveyed and monumented.
 2. Per ORS 92.050, plat must be submitted for review.
 3. Checking fee and recording fees required.
 4. A 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.

Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

ENGINEERING REQUIREMENT

- A. Prior to plat approval, acquire an Access Permit to establish any shared access approach from the public R/W. Exclusive access from Inland Way is preferred; however, potential relocated access from Viewcrest Road that maximizes available spacing in both directions could be considered.
- B. Prior to plat approval, apply to MCPW Survey Dept to vacate or acquire an access easement over the R/W Reserve Strips owned by Marion County Finance Dept. that front Inland Drive and Croisan Ridge Way.
- C. Depict any necessary access and utility easements on the plat.
- D. Provide evidence of coordination with local fire district as to any of their requirements for EVA access easements.

Salem Fire Department commented: "Salem Fire Department has no concerns with the partition. Items including fire department access and water supply will be required to comply with the Oregon Fire Code at the time of development."

Marion County Building Department commented: "No Building Inspection concerns. Permits are required to be obtained prior to any development and/or utilities installation on private property."

6. Chapter 17.181 MCC establishes provisions for partitioning property in an SGO zone. In the SGO-5 zone, creating a parcel less than five acres in size requires the applicants to submit a "Hydrology Review" meeting the provisions listed in MCC 17.181. The review indicates that there is a sustainable long-term supply of ground water for the proposed development. However, the County requires a Declaratory Statement be recorded with the property deed. This notifies the applicant and subsequent owners that there may be long term groundwater supply problems and that the County is not responsible for deepening or replacing wells. The County also requires submission of static water level measurements prior to recording the plat for all existing wells, and prior to building permits for all undeveloped parcels.
7. There are no specific approval criteria for partitions in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres and the new parcels are consistent with this standard. Subsequently, the proposal meets the criteria for partitioning in the AR zone.

8. Based on the above findings, the proposed partition complies with the applicable criteria and is therefore **APPROVED.**

Brandon Reich
Planning Director/Zoning Administrator

Date: September 25, 2023

If you have any questions regarding this decision contact Austin Barnes 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.