

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. 23-025**

APPLICATION: Application of Aleksandr & Victoria Voronko to partition a 0.34-acre parcel into two parcels consisting of 8,356 and 7,184 square feet each in a RS (Single family Residential) zone located at 740 Lancaster Dr SE, Salem (T7S; R2W; Section 31BD; Tax Lot 6500).

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 **October 31, 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:

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. **This shall be accomplished prior to issuance of any building permit(s) on the resulting parcels.**
2. The applicant is advised that a Partition Title Plant Service Report, from a title company, will be required upon submission of the final Mylar to the County Surveyor.
3. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the use final plat for recordation until the following conditions have been satisfied:

Condition A – On the partition plat dedicate a 48-foot wide public R/W half-width along the subject property Lancaster Drive frontage to meet the City of Salem Principal Arterial standard.
4. Any additional connections to this sewer district will require an annexation agreement to be filed with the City of Salem, where one has not already been done so.
5. Pursuant to City of Salem Public Works Design Standards, Section 1.8(b) a 15-foot-wide easement, centered on the pipe, is necessary to preserve the main. No new structures may be placed within the pipeline easement. This easement shall be dedicated to the City of Salem.
6. 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.
7. The Marion County Planning Division, in coordination with the 9-1-1 Emergency System has named the proposed private access easement **Sanesota Way SE**. 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.**

8. The development shall meet the access standards contained in MCC 16.33.680.

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

9. 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. The applicant is advised of the following:

10. 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).
11. 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 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

October 31, 2023. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **November 1, 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 Single Family in the Salem Area Comprehensive Plan. The major purpose of this designation and the corresponding Single-Family zone is to provide areas for single family home development.
2. The property is located on the east side of Lancaster Dr SE, approximately 320 feet north of its intersection with MaCLeay Rd SE. The property contains a single-family home and was created as part of the Meadowlawn Tracts and is a legal parcel for land use purposes.
3. Surrounding uses are residential in all directions.
4. The applicant proposes to divide a 0.34-acre parcel into two parcels consisting of 8,350 and 7,184 square feet each.
5. Marion County Surveyor's Office 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 CONDITION

Condition A – On the partition plat dedicate a 48-foot wide public R/W half-width along the subject property Lancaster Drive frontage to meet the City of Salem Principal Arterial standard.

ENGINEERING REQUIREMENT

- B. Utility service extensions require permits from MCPW Engineering for excavation in the public right-of-way, including the cut and repair of road and sidewalk. Ideally, excavation and repair for service extensions associated with this partition and partition P23-017 would be done concurrently to minimize disruption to Lancaster Drive traveling public, and to the extent practicable, result in a single homogenous road patch.

City of Salem commented:

1. City of Salem Sewer Main – There is a City of Salem sewer main that is located along the eastern property line of the development site. Pursuant to City of Salem Public Works Design Standards, Section 1.8(b) a 15-foot-wide easement, centered on the pipe, is necessary to preserve the main. No new structures may be placed within the pipeline easement. The City of Salem requests that as a condition of approval, a 15-foot-wide sanitary sewer pipeline easement be dedicated to the City of Salem. A utility map is attached that shows the City of Salem Sewer Main for reference.
2. Connection to City of Salem Sewer – The subject property is within the East Salem Sewer Service District and Suburban East Salem Water district. Any additional connections to this sewer district will require an annexation agreement to be filed with the City of Salem, where one has not already been done so.

Marion County Building Department commented:

The new property line is recommended to be placed 3 feet or more from the existing residential structure exterior wall. If any less, additional fire resistive materials may be required to be installed over the existing exterior wall according to 2021 ORSC R302.1. Permits are required to be obtained prior to any development, or alterations to existing structures, or utilities installation on private property.

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

All other contacted agencies either failed to comment or stated no objection to proposal.

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.)*

The proposed lots are 8,350 square feet and 7,184 square feet each. 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.*

The proposed lot widths are 100 feet. The criterion is met.

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;*

This shall be a condition of approval and shown on the plat. The criterion is met.

B. *Have a maximum grade of 12 percent;*

This shall be made a conditional of approval.

C. *Be improved with a paved surface with a minimum width of 20 feet;*

This shall be made a conditional of approval.

D. *Provide adequate sight-distance at intersections with public roadways;*

This shall be made a conditional of approval.

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.*

This shall be made a conditional of approval.

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

Brandon Reich
Planning Director

Date: October 16, 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.