

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. 25-011**

APPLICATION: Application of Olivo and Herlinda Ceja to partition a 4.61-acre parcel into two parcels of 2.06-acres and 2.55-acres in an AR (Acreage Residential) zone located at 372 Hampden Ln NE, Salem (T7S; R2W; Section 28BC; Tax lot 1000).

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 partition plat is recorded by **June 4th, 2027**. 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. Per the Marion County Surveyor's Office; The parcels must be surveyed and monumented. Per ORS 92.050, the plat must be submitted for review. Checking and recording fees are required. Finally, 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.
2. The applicant shall obtain all permits required by Marion County Building, including any septic evaluations.
3. The new parcel identified on the applicant's site plan as Parcel 1 shall be addressed **372 Hampden Ln NE**. The new parcel identified as Parcel 2 on the applicant's site plan shall be addressed **362 Hampden Ln NE**.
4. Each of the resultant parcels shall have only one single family dwelling.
5. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the final plat for recordation until the following conditions have been satisfied:

ENGINEERING CONDITIONS

Condition A – On the partition plat dedicate a 30-foot Right-of-Way half-width for public roadway purposes to meet the county Local road standard.

Condition B – Prior to partition plat approval, under an Access Permit widen the shared access driveway approach to accommodate safe passage of two-way traffic.

Condition C – Depict an appropriate access and utility easement(s) on the partition plat.

Condition D – Prior to partition plat approval, notarize a Road Maintenance Agreement to be recorded concurrently with the partition plat for collective maintenance of the proposed private access easement.

Prior to issuance of building permits on the resulting parcels,

6. The partition plat shall be recorded.

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

7. 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.
8. 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. It is recommended that the agencies mentioned in the findings below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

9. 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).
10. 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.
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 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 **June 4th, 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 5th, 2025**, 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 and Primary Agriculture 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 and the EFU zone promotes commercial farming operations.
2. The subject parcel is located on the east side of Hampden Ln NE, 1,100 feet south from where Hampden Ln intersects Auburn Rd NE. The property stretches the full length of area between Hampden Ln and Fruitland Creek and contains two dwellings. In a review of the deed history, the property has been described in its current

configuration since at least November 27th, 1963 when it was sold Gordon and Zolma Backe (Vol 580 Page 230). Therefore, the parcel is legal for land use purposes.

3. Surrounding uses are a mix of small acreage residences to the north and east located on AR zoned land, P-LU (Public Limited Use) zoned land owned by Portland General Electric which is currently undeveloped, and some I (Industrial) zoned land 800 feet to the south. The main natural feature in the area is Fruitland Creek, which is the eastern property line of the subject parcel.
4. The applicant proposes to partition a 4.58-acre parcel to create two parcels consisting of 2.55-acres and 2.06-acres, locating each of the existing 2 dwellings on their own separate parcel.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Survey Department 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 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.

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

ENGINEERING CONDITIONS

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Marion County Tax Assessors Office provided information regarding the tax standing of the property.

Marion County No. 1 Fire District commented:

This project must meet the following code requirements per Marion County Fire District No. 1:

1. **Fire apparatus road distance from buildings and turnarounds:** Access roads shall be within 150' of all portions of the exterior wall of the building as measured by and approve route around the exterior of the building. An approved turnaround is required if the remaining distance to an approve intersection roadway, as measured along the fire apparatus access road, is greater than 150'. See 2022 Oregon Fire Code 503.1.1
2. **Dead End Roads:** Dead end fire apparatus access roads in excess of 150' feet in length shall be provided with an approved turnaround. Oregon Fire Code (OFC) 503.2.5. See Appendix D103.1 for turnaround options.

3. **Fire Apparatus Access Road Width and Vertical Clearance:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet; 26 feet adjacent to fire hydrants 2022 Oregon Fire Code (OFC) Appendix D 103.1 and an unobstructed vertical clearance of not less than 13 feet 6 inches. 2022 Oregon Fire Code (OFC) Section 503.2.1 and Appendix D103.1

Note: When serving two or less dwelling units and accessory buildings, the driving surface may be reduced to 12' feet, although the unobstructed width shall be 20' feet. Turning radii for curves and turnarounds on reduced width roads shall be not less than 28' feet and 48' feet respectively, measured from the same center point.

4. **Premise identification:** Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches height with a minimum stroke width of ½ inch. (2022 OFC 505.1)

Marion County Septic commented: "Proposed parcel 1 is OK. Proposed parcel 2 will require an existing system evaluation to verify setbacks from the ends of existing drainlines and proposed property lines."

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

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

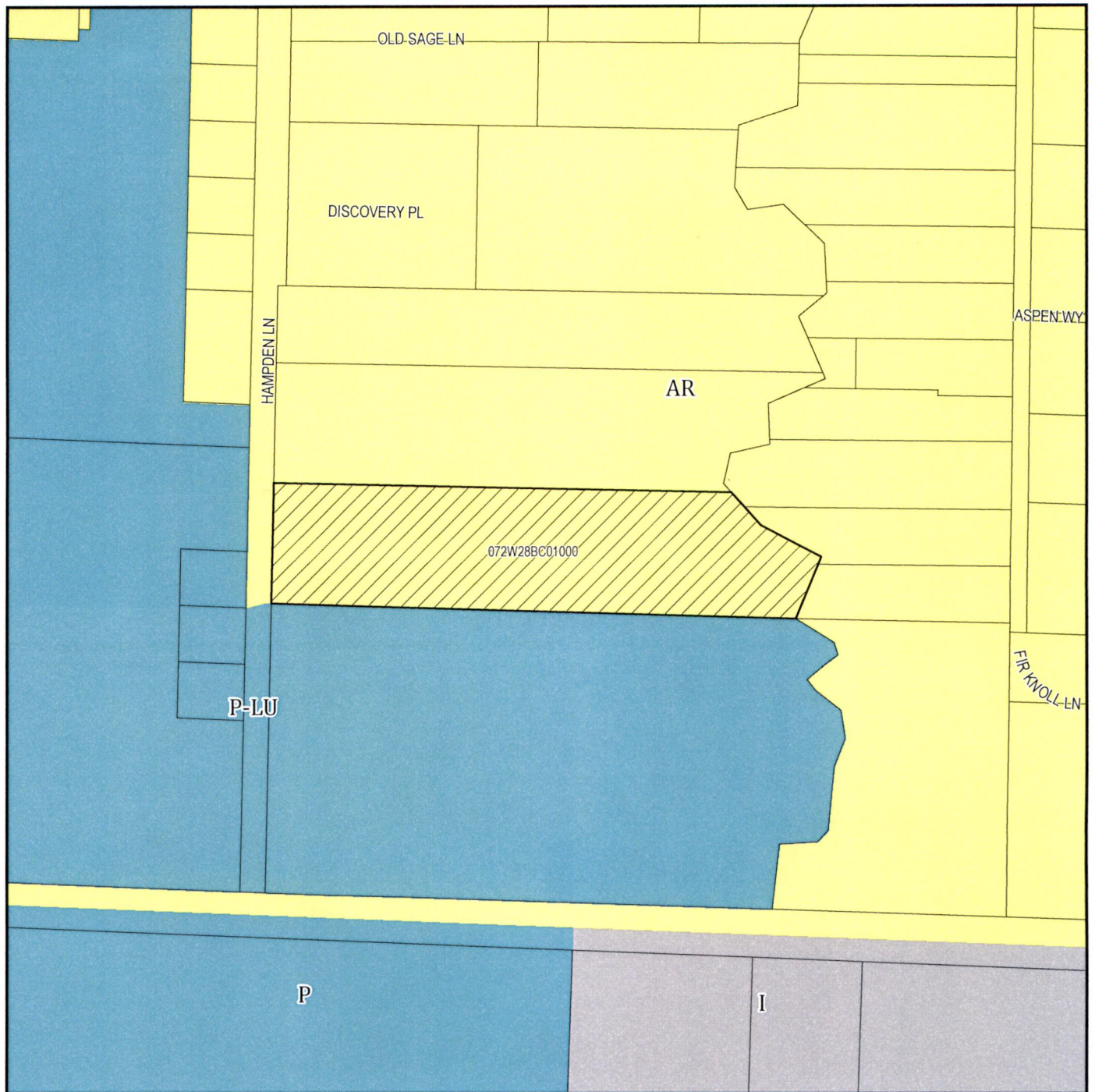
6. There are no specific approval criteria for partitions in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres and the new parcels are consistent with this standard. Subsequently, the proposal meets the criteria for partitioning in the AR zone.
7. Based on the above findings, the proposed partition complies with the applicable criteria and is, therefore **APPROVED.**

Brandon Reich
Planning Director/Zoning Administrator

Date: May 19th, 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): 072W28BC01000

Owner Name: CEJA GARCIA, OLIVO CEJA
GONZALEZ, HERLINDA

Situs Address: 372 HAMPDEN LN NE
City/State/Zip: SALEM, OR, 97317
Land Use Zone: AR
School District: SALEM-KEIZER
Fire District: MARION COUNTY NO.1

Legend

Input Taxlots

Lakes & Rivers

Highways

Cities



scale: 1 in = 257 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.