



Marion County
OREGON

APPEAL OF PLANNING
DIVISION DECISION

**Applications will no longer be accepted by email or mail.
All applications must be submitted in person.**

Planning Division
5155 Silverton Rd. NE
Salem OR 97305
Phone: (503) 588-5038 – Email: Planning@co.marion.or.us
<https://www.co.marion.or.us/PW/Planning>

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SEP 23 2025

Marion County
Planning

Fee: \$250

NAME(S): <i>see attached list of residents in opposition, (11) total.</i>	ADDRESS, CITY, STATE, ZIP <i>see attached list.</i>
DATE SUBMITTED: <i>9-23-25</i>	APPLICATION CASE NO: <i>Partition Case 25-017</i>

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

Notice of Appeal: Every notice of appeal should contain:

1. How the decision is factually or legally incorrect; or
2. Present new facts material to the decision; or
3. The specific reasons for the appeal.

I/we are filing this appeal because (attach additional pages if needed):

*See attachment - Notice of decision -
Partition Case No. 25-017*

*Principal contact - Dean V. Backer ph. 503-362-4281
flintstones4281@yahoo.com*

FOR OFFICE USE ONLY:

Appeal accepted by: *MB* Date: *9/23/2025*
Case Number: *P 25-017*
☒ Filing fee
☒ File attached

This is a list of current residents that have shown opposition to the decision of the Marion County Planning Director/Zoning Administrator for Partition Case No. 25-017

✓ Shelley Gillies

David and Shelley Gillies
141 Hylo Rd SE Salem, OR 97306
Phone:

✓ Peggy Gantt

Peggy Gantt
254 Hylo Rd SE Salem, OR 97306
Phone:

✓ Wendy Rose and Winter Horsley

Wendy Rose and Winter Horsley
153 Hylo Rd SE Salem, OR 97306
Phone:

~~✓ Mark Nelson~~

~~Mark Nelson
162 Hylo Rd SE Salem, OR 97306
Phone:~~

✓ Kellie George

Josh and Kellie George
251 Hylo Rd SE Salem, Or 97306
Phone:

✓ Karl Johnson

Karl Johnson
152 Hylo Rd SE Salem, OR 97306
Phone:

✓ John and Della Edwards

John and Della Edwards
261 Hylo Rd SE Salem, OR 97306
Phone:

Sy and Shannon Leger

Sy and Shannon Leger
144 Hylo Rd SE Salem, OR 97306
Phone:

✓ Douglas C. Gemmell

Doug and Masae Gemmell
292 Hylo Rd SE Salem, OR 97306
Phone:

✓ Chester L. Whisler

172 HYLO RD, SE.
Salem, OR 97306

503-559-3023

✓ Jeff Icovino

Jeff Icovino
7522 Jean Marie Ln SE Salem, OR 97306
Phone:

✓ Dean V. Backer

Dean and Cyndi Backer
264 Hylo Rd SE Salem, OR 97306
4742 Liberty Rd SE #231 Salem, OR 97302
Phone: 503-362-4281

Notice of Decision -Partition Case No. 25-017

Fact Findings:

Property owner- D&F Vinyards, LLC.

Petitioned to change zoning /use of property consisting of 26.93 acre parcel into three parcels consisting of two six acre parcels as AR (Acreage Residential) and 14.93 acres as SA (Special Agriculture) at 7412 Liberty Rd S. Salem.

Both of the six acre parcels can be divided into a minimum of two acre lots per MCC17.128.070.

The decision of the Marion Co Director/Zoning Administrator, Brandon Reich is to APPROVE the petition request with certain conditions.

1. A warning in the decision states that the proposed division is for land use purposes only. It is also states in the decision that due to septic well and drain field available location that the parcels may NOT be able to support a dwelling. Parcels designated for acreage residential will require an Existing System Evaluation report and a designated Septic Repair Area.
2. Under Chapter 17.181 MCC provision for participating property in an SGO zone-5 requires that parcels greater than five acres in size do not require the applicant to demonstrate sufficient ground water supply. The County also notified the applicant and subsequent owners that there may be long-term ground water supply problems on the property. The County also made sure in the approval that they can not be held responsible for deepening or replacing wells for insufficient ground available for existing residents.
3. Parcels of less than ten acres must be surveyed and monumented. Per ORS 92.050 survey plat must be submitted for review prior to building permits being obtained.
4. The division approval does NOT include the approval of a building permit.
5. Marion Co Planning in coordination with the 911 Emergency System has named a proposed private access easement to the divided property as Green Patch Ln SE.
The new access to the Green Patch Ln. SE will be connected to Hylo Rd via the private easement access road. The Engineering requirement permitted requires that the new access must have a paved access to Hylo Rd.
6. Salem Fire Department according to Oregon Fire Code states that a sufficient water supply must be available for fire suppression.

Concerns

1. The amount of "seasonal" surface water that shows up in artesian on the Hylo Rd properties that are adjacent to the proposed residential properties in the partition will most likely cause septic contamination in the groundwater unless a good septic repair system is developed to the pump to sewage away for the existing resident's on Hylo Rd.

Rodger Creeks also flows under ground from the East at Liberty Rd and exits above ground at 261 Hylo Rd. SE. and runs Southeast towards Sunnyside Rd. and down along I-5. Again there could be septic issues and contamination to the groundwater.

I believe the County also realizes that this can be an issue. "Parcels designated for residential in the proposal will require an Existing System Evaluation report and a designated Septic Repair Area." "These parcels may not be able to support a dwelling."

2. We are already short of sufficient ground water supply to support our existing residents, and the County realizes it as stated in their approval. "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."

3. Traffic Safety Issues at access to Green Patch Ln. S.E. With other developments from Kuebler Rd South along Liberty Rd and on Hylo Rd. the vehicle traffic has increased because of the lack of the crossroads to access Sunnyside Rd, Commercial St. and access to I-5. Also with the character of Hylo Rd with its ups and downs and the location of the designated private access road, there will not be enough visibility to the new Green Patch Ln. SE. access road to avoid accidents.

4. Salem Fire Department requested a fire suppression system for the new development. To do so, they would have to drill another well to supply such a system. As stated above, this new system would further deplete the available groundwater to supply the existing residents.

Summary/Our Conclusion

With the existing current condition of insufficient groundwater supply to supply the current residents adjacent to Partition Case # 25-017 we are not willing to accept the addition of possibly six new two acre parcels tapping into our water tables for their needs. Marion County Planning office is fully aware of the insufficient ground water in our area to supply water to the current residents and has designated our area as a SGO-5 zone; insufficient ground water area.

Sewage contamination to our current ground water table is a major concern of the current residents due to the newly AR zoning that has been approved as Green Patch Ln. SE land use project. As you know from your elevation maps for the Green Patch Ln SE development, there is a drop in elevation from the top of the hill of the existing D& JF Vinyard LLC which is at approximately 750 ft to about 700 ft where the Green Patch Ln SE development is proposed. With this 50 ft drop in elevation there is concern that if septic leach lines which are usually installed with a downhill grade; will have an effect on our current ground and possibly contamination to Rodger Creek that is adjacent to the development. This could results in Oregon Department of Wildlife notification/concerns down the road should the creek become contaminated from the development and hazardous to wildlife.

Summary/Conclusion continued

Marion County Planning knows too well that the proposal submitted by D& JF Vinyards LLC could have potential septic issues as stated in the County decision that: "Septic well and drain field on the property location parcels may NOT be able to support a dwelling."

Traffic Safety Issues access to the proposed Green Patch Ln. S.E. development through private easement will increase the accidents that occur on Hylo Rd. SE The reason for this determination is based on the character of Hylo Rd SE, with its ups and downs and traffic that frequently drive over the speed limit. Access of the location that feeds Green Patch Ln by way of private easement access road will not have limited visibility to avoid accidents.

Fire Suppression System

The proposed new development at Green Patch Ln SE was requested by the Fire Department that a fire suppression system be developed should the area be developed for residents. To do so, the developers would have to drill another well to supply such a system unless the development is able to tap the City Of Salem holding tank at the top of Champion Hill Rd. This new system would further deplete the available groundwater to supply the existing residents.

We the residents of Hylo Rd SE ask that Marion Co. Director/Zoning Administrator, Brandon Reich revoke his approval of the Partition Case No. 25-017

Thank you for your consideration.
The residents of Hylo Rd SE.